

Internal  
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#3606  
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**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: \_\_  
Permit #: C/015/025

NOV # 10066  
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: This violation was issued approximately eight months after the monitoring period that is the subject of this violation. The availability of the water monitoring data required to make the determination were not required to be reported until June 30, 2010.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The violation period occurred during a time period where mine operations were under a cessation order. Furthermore, the mine was in the process of transitioning from ownership under C.W. Mining to being managed by the bankruptcy trustee, Kenneth Rushton. A consulting firm was brought in to manage the water monitoring program; however this period likely represented the time frame where the consultant was just being brought up to speed on the requirements of the water monitoring program.

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # \_\_\_\_\_  
Violation # \_\_\_\_\_ of \_\_\_\_\_

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Yes. See Citation # 10066 Under Nature of Condition, Practice or Violation.

- ☒ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: Yes. C.W. Mining Company has been cited on numerous prior occasions for not fully complying with their water monitoring requirements. C.W. Mining was still the permittee of record during this violation period; however it should be noted that all business related to the Bear Canyon mine including the water monitoring program were being managed by the trustee.

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: \_\_\_\_\_

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Norwest Corporation have taken proactive measures to familiarize themselves with the requirements of the water monitoring program. They have also taken the initiative to evaluate the water monitoring program and make revisions.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: \_\_\_\_\_

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # \_\_\_\_\_  
Violation # \_\_\_\_\_ of \_\_\_\_\_

Apri Abate  
Authorized Representative

Apri Abate  
Signature

September 7, 2010  
Date

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